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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JOHN A. HOUSTON)

United States of America,) CASE NO.: 07cr3190-JAH
Plaintiff,) DATE: February 19, 2008
v.) TIME: 8:30 a.m.
JOSE RAYMUNDO CONTRERAS-) DECLARATION OF JOSE RAYMUNDO
HERNANDEZ,) CONTRERAS-HERNANDEZ
Defendant.)

I, Jose Raymundo Contreras-Hernandez, declare under penalty of perjury:

1. I am the defendant in the above-captioned case and make this declaration in support of a motion filed by my attorney.
2. At approximately 3:00 a.m., on October 27, 2007, I was arrested north of the International Border.
3. This is a wilderness area.
4. In the wilderness, I was interrogated by a border patrol agent.
5. Prior to interrogating me, I was handcuffed.
6. The agents left me handcuffed while they looked for other people.
7. The agents had a dog with them that they were using to search for and detain people.
8. The agent had a gun visible.

- 1 9. The agent was wearing a badge.
- 2 10. The agent raised his voice while talking to me.
- 3 11. The agent did not explain to me that I did not have to talk to them without an attorney present.
- 4 12. As a matter of fact, the agents did not inform me of any of my rights pursuant to Miranda.
- 5 13. If my rights had been read to me, I would not have made any statements.
- 6 14. Since they were not, I felt pressured to speak with the agent at that time.
- 7 15. Because I was in a wilderness area, handcuffed with armed agents and a dog, I did not feel
8 free to leave.

9 I swear that, to the best of my knowledge and memory, the foregoing is true and correct.

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11 Dated: 1 February 2008

Jose Contreras
12 Jose Raymundo Contreras-Hernandez

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) CASE NO.: 07CR3190-JAH
)
 Plaintiff,) CERTIFICATE OF SERVICE
 v.)
)
JOSE RAYMUNDO CONTRERAS-)
HERNANDEZ)
)
 Defendant.)

Counsel for Defendant certifies that the foregoing motion, is true and accurate to the best of her information and belief, and that a copy of the foregoing has been electronically served this day upon:

Peter Mazza
Assistant United States Attorney
880 Front Street
San Diego, CA 92101

and mailed to:

Jose Raymundo Contreras-Hernandez
Reg. No. 05354-298
MCC San Diego
808 Union Street
San Diego, CA 92101

Dated: February 4, 2008

s/ Candis Mitchell
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